

REMARKS/ARGUMENTS

In response to the Office Action mailed February 6, 2008, Applicant amends his application and requests reconsideration. In this Amendment claims 8 and 9 are cancelled leaving claims 1-7, 10, and 11 pending.

Claims 2, 10, and 11 were stated to be allowable. Those claims are amended with respect to issues of form and to be consistent with the other claim amendments made here.


In this Amendment, certain language which may have been confusing is clarified. As explained in multiple locations in the patent application, the medium referred to contains copyrighted information and is a physical element, for example a "CD, DVD, hard drive or the like". See the patent application at page 4, lines 15 and 16. The reference to a "physical" medium in the amended claims refers to that kind of carrier for copyrighted information. For clarity, the amended claims refer to the identification database as storing unique identifiers that identify, uniquely, the physical copyrighted media. This change is simply a change in form, not substance.

Of the claims still pending, claims 1 and 3-7 were rejected as anticipated by Nakayama (published U.S. Patent Application 2003/0014652). This rejection is respectfully traversed.

As an initial matter, Nakayama is concerned solely with downloading programs and files over the internet. There are no physical media containing copyrighted information for sale as in the invention. What is offered for sale in Nakayama is strictly digital information that is supplied and recorded on some kind of computer memory at the location of the purchaser. Because anticipation requires that every element of the claimed invention be disclosed in the prior art applied, Nakayama cannot anticipate any claim now pending.

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,



Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: March 31, 2008

JAW/tdh